Special Notices.

MARRIAGE AND CELIBACY, an Ess y of Warning and Instruction for Young Men. 'iso, Diseases and Abuses which prostrate the v tal powers, with sure means of relief. Sent 1 ce of charge in scaled letter envelopes. Address Dr. J. SKHLIN HOUGHTON,

Howard Association, Philade phia, Pa. may 1, 1866.

The Cure is Thorough. - Kenneth Haynes, sq., Clerk of Columbus County Court, writes, (April 2, 1863:) "During the latter part of the y ar 1863, I was severely afflicted with diseased 1 ver, and many nights while in bed the pain would secome so exeruciating that I was compelled to et out of the bed and sit up until the pain would ubside. I procured a few boxes of the SOUTHERN .IEPATIC PILLS, and the first doze I took gave me reat relief. I continued to use the Pills for two weeks, and have not suffered from liver disease since. i have recommended them accordingly, and several persons are in want of them." For sale by the Drugglsts. Directions

accompanying each box. Sent to any part of the United States for \$3 a dozen. Address, GEO. W. DEEMS,

Baltimore, Md. May 1-1m.

Brick Machine. - The National Brick Machine, a CLAY TEMPERING MACHINE, and makes, with only two horse power, 30,000 Splendid BRICKS per day, with well defined edges and uniform lengths. If the Machine does not perform what we claim for it, we will take it back and refund the money. Address

ABRAM REQUA, Gen. Agent, 130 Broadway, N. Y. april 5-8-1m. Itch! Itch! Scratch!! Scratch!!-

Wheaton's Ointment will cure the Itch in fortyeight hours. Also cures Salt Rheum, Ulcers, Chilblains, and all cruptions of the Skin. Price 50 cts. For sale by all Druggists.

By sending 60 cents to WEEKS & POTTER, Sole Agents, 170 Washington street, Boston, Mass., it will be forwarded by mail, free of postage, to any part of the United States. P. F. PESCUD, Agent,

Batchelor's Hair Dye !- The Original and Best in the World! The only true and perfect Hair Dye. Harmless, Reliable and Instantaneous Produces immediately a splendid Black or natural Brown, without injuring the hair or skin.-Remedies the ill effects of bad dyes. Sold by all Druggists. The genuine is signed William A. Batchelor. Also,

Regenerating Extract of Millefleurs, for Restoring and beautifying the Hair. CHARLES DATCHELOR, New York.

Hill's Hair Dye 50 Cents.-Black of Brown. Instantaneous, beautiful, durable, reliable. The best and cheapest in use. Depot No. 66 John Street, New York. Sold by all Drug Patent Medicine, Perlumery and Fancy Good stores everywhere. March 13, 1866.—1y.

Agua do Magaolia. - A toilet delight! Th ladies' treasure and gentlemen's boon! The "sweetest thing" and largest quantity. Manufactured from the rich Southern Magnolia. Used for bathing the face and person, to reader the skin soft and fresh, to prevent eruptions, to perfume clothing, &c. It overcomes the unpleasant odor of perspi-

ration, oves reduces, tan, blotches, &c. It cures nervous headstehe and allays inflamation, It cools, softens and adds delicacy to the skin, It yields a subdued and lasting perfume, It cures musquito bites and stings of insects, It contains no material injurious to the skin. Patronized by Actresses and Opera Singers. It is what every lady should have. Sold everywhere, Try the Magnolm Water once and you will use no other Cologne, Perfumery, or Toilet Water af-

DEMAS BARNES & CO., nov 29-5m Props. Exclusive Avents, N. Y.

S---T--1860 --- X. Drake's Plantation Bitters.-They purify, strengthen and invig-

They create a healthy appetite, They are an antitode to change of water and

They overcome effects of dissipation and late

They strengthen the system and enliven the

They prevent miasmatic and intermittent fevers, They purify the breath and acidity of the stomach, They cure Dyspepsia and Constipation,

They cure Diarrhea, Cholera and Cholera

They cure Liver Complaint and Nervous Headache.

They are the best Bitters in the world. They make the weak strong, and are exhausted nature's great restorer. They are made of pure St. Croix Rum, the celebrated Calisaya Bark, roots and herbs, and are taken with the pleasure of a beverage, without regard to age or time of day. Particularly recommended to delicate persons requirng a gentle stimulant. Sold by all Grocers, Druggists, Hotels and Saloons. Only genuine when Cork is covered by our private U. S. Stamp. Beware of counterfeits and refilled bottles.

P. H. DRAKE & CO., 21 Park Row, New York,

Dry Goods, Insurance, &c.

The Greatest Curiosity of the Age! A LIVE MAN AT HILLSPORO'! O'N THE FIRST APRIL WE WILL OPEN, at Hillsboro', N. C., the 1 exest and finest assortment of

Ladies' and Mens' Wear ever offered to the country trade. Having the best custom in the State, we can afford to sell at prices below City retail trade.

Write for samples, enclosing stamp.

To Students and School Girls at a distance we will sell at the say · prices as to our home customers. · PARKS & CO. March 22, 1866-2-tf.

LIFE AND FIRE INSURANCE AGENCY RALEIGH, N. C.

P. F. PESCUD, AGENT, IS PREPARED TO ISSUE POLICIES OF INSURANCE TN the following Companies, whose combined Capital and Assets amounts to \$2,000,000,

Phoenix Fire Ins. Co., Hartford, Conn. Atlantic Fire Ins. Co., Brooklyn, N. Y. Valley of Virginia, Winchester, Virginia. The above Companies are well known as first

ass Companies, and pay their losses promptly. He also represents the BROOKLYN LIFE INS. COMPANY, of Brooklyn, New York, which is one of the most popular and reliable Companies in the United States, and on their business for the past year have declared a cash dividend of Forry per cent,

to be divided among all whose policies were issued within the past 12 months, on the PARTICIPA TING profits. Persons insuring in this Company can pay half

rersons meaning in this company can pay half eash, and half note, payable and renewable every year, semi-annually, or quarterly as preferred.

They insure on the non-forfeiture plan, so that the insured loose nothing if they are unable to renew their policies after three or more years.

For perticulars apply to For particulars apply to

P. F. PESCUD. Raleigh, N. C., March 9, 1868.

Miscellaneous Advertisements.

CTORAGE, STORAGE, STORAGE. WE ARE NOW PREPARED TO STORE IN our large brick Warehouse, Cotton, Tobacco, liay, Corn, Flour, and all kinds of Merchandize B. P. WILLIAMSON & CO.

NEW ARRIVALS

AT Farriss & Lack's

CLOTHS, CASSIMERES, SILK, CASSIMERE,

Every Description of Hats, &c., &c. Which the public are envited to examine, at No. 48 Fayetteville Street,

Gold: Gold: is declining, But all kinds of the best Writing Paper and Envelopes, Illustrated papers, Fashion Books, Fancy Articles, and Newspapers, the of from New York in thirty-six hours, can always be found at

West's Stationery Store, Next door to the National Bank. "Small profits and quick sales," is our motto. February 16, 1866—tf

TORDAN WOMBLE,

Grocer and Commission Merchant, for all kinds of Produce and other Goods.

Special attention given to the sale of Flour Bacon and Lard. Consignments solicited, at Old Stand 4th door North side Hargett street, Raleigh, N. C.

ESTABLISHED 1852. LYCURGES BERKLEY, 53 Main Street, Under Johnson's Hall, Norfolk, Va.,

WHOLESALE AND RETAIL DEALER IN Foreign and Domestic Dry Goods. Wholesale Rooms up Stairs. Also Agent for Grover & Baker's Sewing Ma oct 12-6m10

PO OUR FRIENDS.

We still continue to sell books and stationery and all other goods in our line. We cannot sell at cost. If we do so, we shall be unable to buy of er goods. We have been trading in our line for several years. Our friends have always patronized us largely, for which we are thankful. We have always tried to make a living profit on our oods, and at the same time to give general satis faction to our customers. We intend still to fol-low the same rule, which we think fair and honorable. Such books as we do not have on hand, we will order for our friends. Among our late arrivals, we have Methodist Hymn Books, Episopal Prayer Books, Chidren's Illiustrated Books in great variety, Photographs of Southern Generals, and Photograph Albums. We have also a great variety of common and fine Bibles and Tes-taments; also a large variety of Sheet Music. We try to keep all School Books wanted by teachers, to whom we sell at a liberal discount. Call see our stock before buying elsewhere. We are prepared to do the best Book-Binding in the neatest style at short notice. We want to trade with our friends for years to come; hence we will sell as cheap as we can well under the circumstances. BRANSON & FARRAR,

No. 40, Fayetteville St. Raleigh, N. C. N. CAROLINA FAMILY FLOUR. 150 Barrels North-Carolina Flour, in store and

B. P. WILLIAMSON & CO. Merch 9, 1866.-tf. DRY GOODS. TATHROP, LUDINGTON & Co.,

330 Broadway, New York, Offer to Sonthern and Western Jobbers and Retailers, at the lowest market prices, FOR CASH. A VERY LARGE AND ATTRACTIVE STOCK OF

DRESS GOODS, CLOTHS, NOTIONS, HOSIERY, WHITE GOODS, &C jan. 16-1v.

THE INSURANCE.

Metropolitan Insurance Company, 108 & 110 Broadway, N. Y. A FIRST CLASS COMPANY. Cash Capital \$1,000,000,

SURPLUS OVER 8400,000. Office in Bank of Cape Fear, Raleigh, R. H. BATTLE,

march 31-6-s4w.

DeCarteret and Armstrong's N. C. Book Bindery OVER THE N. C. BOOKSTORE, RALEIGH, N. C. HAVING ADDED AN ENTIRELY NEW II set of machiney, we are prepared to execute all kinds of Bookbinding with neatness and de-

Blank Book Department. Having on hand a large stock of time paper, we are prepared to fill orders for all kinds of Blank from the smallest memorandum to the largest Bank Ledger, at short notice. Ruling Department.

We are prepared to execute all kinds of Ruling n a manner that cannot be surpassed. Our facilities warrant us in saying that we can weente work as cheaply as any establishment of he kind in the United States. We also have for sale, at publisher's prices, the National Series of School Books. Orders from teachers and country merchants will meet with prompt attention. nov 6-172 tf.

WHIPS! WHIPS! WHIPS! 50 Dozen Wagon Whips, for sale by B. P. WILLIAMSON & CO. March 9, 1866 .- tf.

E. A. WHITAKER, Agent.

MORGAN AND McDOWELL STREETS.

TAKE NOTICE! HAVING FITTED UP the large and commodious shop, formerly occupied by James Bashford, Esq., as a coach shop, for a Grocery store, and having received a large and well selected stock of Groceries, Wines, Liquors, Confectioneries, &c., I can sell as reasonable as any parties in the city. Why? Be cause I do not pay the high rents some are pay-

Thankful for the liberal patronage bestowed on me for the last eight years, I solicit a continu-ance. I will eudeavor to please all in price and accommodation. Having a clerk to attend market regularly, I will attend to the purchase of Fresh Meats, Poultry, &c., for any one wishing it.

Give me a call, if you please, as times are dull and money scarce. E. A. WHITAKER, Agent.

Raleigh, Feb. 15, 1866.-tf. BOYS' AND MISSES'

Hats and Shoes, a large assortment. Call and examine our Stock. It will pay you, as we have bought goods very low and will sell them cheap.

W. H. & R. S. TUCKER. march 29-5-tf.

Rosin Boilers. We keep constantly on hand Iron Cauldrons,

We keep constant, 75, 120, and 200 gallons.
MITCHELL & ALLEN, Hardware Merchants, Newbern, N. C. W. ROWLAND,

(FORMERLY OF ROWLAND & BROS,) COMMISSION MERCHANT,

CONSTANTLY on hand a good supply of Cof-fee, Sugar, Molasses and other goods usually kept in a Wholesale Grocery, Agent for the sale of Peruvian Guano, warranted pure as imported. Price, \$100 per ton. Cash before delivery.

ry Goods, Groceries, Liquors, &c.

PAINTING.

I. T. CLAWSON, HOUSE, SIGN AND ORNAMENTAL PAINTER.

HTATOR OF EVERY VARIETY OF MAR-BLE AND WOOD. ilding on Glass and Wood, and Japan Tin office Signs, EXECUTED TO ORDER, WITH NEATNESS AND

DESPATCH. PHANKFUL TO MY FRIENDS FOR THE very liberal patronage I bave received, hope inremitting exertions to merit a continuance the same. Shop opposite S. E. corner of Capital an25-tf.

> HOWELL & BROTHERS. MANUFACTUREES & IMPORTERS OF

Paper Hangings, WINDOW SHADES, HOLLANDS, &c. No. 260 Baltimore Street, (OPPOSITE HANOVER,) BALTIMORE.

march 27-4-6m.

WANTED! A TEACHER WELL QUALIFIED TO ASSIST primary instruction, in the Washington Public ool in Baptist Grove. Apply immediately to Rev. FISK P. BREWER,

Newbern st., opposite Episcopal Church, april 10, 1866—10-tf.

DRIVATE BOARDING HOUSE. SEVERAL MORE BOARDERS CAN OBTAIN ood accommodations at my private residence, out one hundred yards east of the N. C. Depot. rice moderate.

Transient custom also solicited.

J. T. HIGH.

Wines, Liquors, Cigars and Tobacco, Old Monongahela Whiskey, Bourbon Whiskey Pure Holland Gin, Pure French Brandy. Madeira Wine, Port Wine, Sherry Wine. Perfect Love Cordial, and last but not least, Dr. Scott's Bitters, All for sale at

E .A WIIITAK'ERS. TOTICE!!!

ADAM KEIM HOLDS MY NOTES FOR ve hundred and twenty-eight dollars. The said otes have been paid off, except twenty-eight dol-HENRY KEIM. april 21-16-6tpd. RALEIGH & GASTON R. R. CO.,

SUPERINTENDENT'S OFFICE, RALEIGH, N. C., April 19, 1866. TRAINS RUN AS FOLLOWS: seenger Trains Leave Raleign 4.30 A. M.

" Arrive at Weldon . . . 1.30 P. M.

" Leave Weldon . . . 1.30 P. M.

" Arrive at Raleigh . . 8.30 eight and Accommodation Trains Leave Raleigh

on Mondays, Wednesdays and Fridays, at 7.30 A. M. Arrive at Weldon, 5.00 P. M. cave Weldon on Tuesdays, Thursdays and Saturdays at. 5.00 A. M Arrive at Raleigh. 4.00 P. M ALBERT JOHNSON, Gen'l. Supt.

ARGE SALE
of Government Property! WILL BE SOLD, AT NEWBERN, NORTH-

Carolina, a large amount of Ordnance and Ordnance Stores. Sale to commence on the 15th day of May, 1866, at 10 o'clock, a. m., and continue of May, 1866, at 10 6 clock, a. m., and continue daily until all the property, the principal classes of which are given below, is sold: Iron and Bras. Gans, Gun Carriages, Harness, Saddles, Haiters, Bridles, Blankets, Wheels, Old Iron, Lead, Smith', Armorer's and Saddlers' Tools, Old Leather, Sling Carters, Gins complete, Infantry Equipments, Implements for Field and Siege Guns, and other articles too numerous to men

Correct lists of articles to be sold will be furnshed upon application to this Office.

By order of Brevt-Major-General A. B. Dyer, Chief of Ordnance, Washington, D. C. JASPER MYERS, Brev't Capt. Ord. Dept. U. S. A. Ordnance Office, Newbern, april 15—14-tm:4.

LADIES' HATS, Galters, Shoes, Hoslery and Gloves, &c., &c. W. H. & R. S. TUCKER.

march 29-5-tf. ENTLEMEN'S Fine Soft French Hats and Dress Hats, fine Shoes, Galters, &c., &c. W. H. & R. S. TUCKER.

march 29-5-tf.

CILK MANTILLAS. Basques, Saques, Parasols, Fans, &c., &c.— Beautiful stock. W. H. & R. S. TUCKER. march 29-5-tf.

WO OF THE GREATEST BLESS-I INGS are HEALTH AND PEACE. To preserve the first keep your body comfortable, ters well supplied with pocket change, and let

ISAAC OETTINGER'S. No. 1, Fayetteville Street. N. C. BOOK-STORE BUILDING,

Where has just been opened a nice, well selected and cheap stock of Dry and Fancy Goods,

to an inspection of which the public is respect March 22, 1866.—2—2m.

200 Lbs. Blue Stone, E. A. WHITAKER'S. RUPTURE.



These instruments are entirely new, both in Principle and Action, from all others-Light Clean and Easy—no pressure on the back—In-ward and Upward Motion—Cures the most obstinate cases of Rupture. Pamphlets free. Sold at

White's Patent Lever Truss Company, No. 600 Broadway, New York. April 17, 1866-6m.

VEW GOODS! LOW PRICES. BOUGHT SINCE THE DECLINE.

There is not a more desirable stock of NEW SPRING AND SUMMER GOODS. comprising a general assortment, than those we have just purchased in the Northern Cities, and now offer to our customers and the public. None can undersell us and *line* by selling goods.

It is gratifying to know that our taste and judgment, in selecting goods, are appreciated, as shown not only by expression, that our goods are not surpassed in style and beauty, but by the way

We would call attention to our FAMILY GROCERIES, Sugars, Coffees, Tea, &c. Try our TEA—it is good.

L. E. HEART,
Raleigh, April 10, 1866—10-2w. Agent.

300 Lbs. Coperas, For sale at E. A. WHITAKER'S FANCY PRINTING.

PLAIN PRINTING, BOOK AND JOB PRINTING.

Of All Kinds, can be Executed with Neatness and Dispatch at the

Standard Office, (On Hargett Street.)

HAVING ALL THE FACILITIES, AND A Superior Foreman, who is well acquainted with the best styles of Northern printing, and an entire New Stock of material, Paper, Inks and Presses, we are prepared to do the Best and Cheapest Printing in the State.

BOOKS PRINTED AND BOUND. We are also prepared to contract for this kind

of work, having laid in a new assortment of Book Type, and made necessary arrangements to secure good binding. One or more papers or periodicals can also be printed in the Standard office. Publishers who

design issuing new papers or periodicals, either of a literary, rural or scientific character, can have such papers or periodicals printed in our office, vithout making a large outlay of capital in purhasing presses, type, inks and other material. Being determined fo do printing of kinds in the very best manner, we will guarantee satisfac-Terms-Cash.

Tri-Weekly Standard.

BALEIGH, N. C. TUESDAY, MAY 1, 1866.

The last Greensboro' Patriot says "Mr. Dick signed the ordinance of secession, and voted against submitting that ordinance to a vote of the people, while his colleagues Gilmer and Gorrell voted for it."

On the first day of the Convention, May 20th, Mr. Dick moved the following as an amendment to Mr. Badger's

"And this ordinance to be of full force and effect when ratified by the legal voters of this State, at an election hereafter to be held, the day and manner of holding said election to be fixed and provided for by this Conven-

Mr. Badger's ordinance having been voted down, Mr. Dick withdrew the above, but gave notice that he would insist on a test vote on the first opporunity. Accordingly, on the same day, he moved the above as an amendment to Mr. Meares' ordinance ratifying the Constitution of the Provisional government of the Confederate States of America. The amendment was rejected, yeas 34, nays 73; Mr. Dick voting in the affirmative.

Again, on the 6th of June, Mr. Dick offered the same amendment to the permanent Constitution of the Confederate States, and it was rejected by the diction of the alleged offences. following vote:

Year, -Messrs, Allison, Armfield, Battle of Wake, Berry, Bond, Calloway, Cannon, Christian, Council, Davidson, Dick, Douthit, Eller, Ellison, Ferebee, Gilmer, Gorrell, Gra ham, Headen, Holden, Jones of Caldwell, Kittrell, Long, Mann, Manning, Merritt, Mitchell, Sanders, Smith of Johnston, Smith of Macon, Speed, Sprouse, Spruill of Bertie, Spruill of Tyrrell, Thomas of Carteret, Walton, Warren and Wilson-38.

Nays .- Mr. President, Messrs, Arrington, Ashe, Badger, Barnes, Batchelor, Battle of Edgecombe, Biggs, Brodnax, Brown, Bunting, Carsen, Craige, Cuningham, Darden, Dillard, Durham, Foster of Ashe, Fuller, Green, Greenlee, Grimes, Hamlin, Hargrove, Hearne, Henkel, Hicks, Holmes, Houston of Duplin, Houston of Union, Howard, Johnson of Caston, Johnson of Mecklenburg, Jones of Rowan, Lander, Leake of Anson, Leake of Richmond, McDowell of Bladen, McDowell of Burke, McDowell of Madison, McNeill of Cumberland, McNeill of Harnett, Meares, Mebane, Miller, Moody, Mosely, Myers, Osborne, Penland, Pettigrew, Phifer, Rayner, Reid, Rhodes, Royster, Ruffin, Satterthwaite, Shaw, Shipp, Smith of Halifax, Southerland, Stewart, Strong, Thomas of Jackson, Thompson, Thornton, Tracy, Turner, Venable, Ward, Washington, Whitford, Williams, Woodfin

The Patriot will see that it has done Mr. Dick injustice. We take it for granright from the record.

Mr. H. B. Kingsbury, of Oxford, has been appointed at large by the President a Cadet at West Point. There are but ten appointments yearly for the whole country, and the selection of Mr. Kingsbury with so many hundreds of applicants, shows the President's regard for our State, and affords flattering proof of the merits of this young gentleman.

The committee on internal revenue in Congress has decided to reduce the tax mitted in time of peace, when the King's on smoking tobacco from thirty-five to twenty-five cents per pound, and on | **** And it is laid down, (by Lord smoking, made exclusively from stems, Coke in 3. Inst. 52) that if a lieutenant or to fifteen cents.

Weh aethe pleasure of laying before our readers to-day the very able opinion of Judge Fowle in the matter of John

We copy from the last Sentinel the President to Gov. Worth, explanatory of a part of the recent proclamation:

WASHINGTON, D. C., April 27, 1866. To Gov. Worth: I am directed by the President to inform you that by his procla-mation of April 2, 1866, it was not intended of our ancestors to prevent the King from then pending to be turned over to civil authority.

the execution of any sentence rendered by were entirely illegal. said Commission, to report all proceedings to the War Department for examination and There has been an order this day prepared, to be observed, viz: and will soon be issued, which will relieve and settle all embarrassment growing out of | quoted in Blackstone, supra.)

a misconstruction of the proclamation, of

which I will send you a copy.
EDWARD COOPER, Acting Private Secretary. We publish on our outside to-day,

Banks.

The committee on reconstruction is expected to report soon. Our readers will find under our news head the outline of the policy said to have been agreed upon by the New York delegation. This policy, compared with what may be expected from a majority of the committee, is thought by many to be quite liberal and conservative.

SUPERIOR COURT OF LAW, WAKE COUNTY. His Honor Daniel G. Fewle, Presiding. IN THE MATTER OF JOHN H. GEE. SATURDAY, April 28, 1866.

[The prisoner was represented by his counsel D. P. HOLLAND, of Florida, and JOHN WILDER, of Boston, Mass.] Upon the opening of Court Judge Fowle

delivered the following opinion: On the tenth inst., John H. Gee, a citizen of the State of Florida, filed a petition before me, alleging that he was imprisoned and held in close confinement in the city of Raleigh, by Brevet Major General Thomas H. Ruger, U. S. A., commanding the Department of North-Carolina, and that, by his order, a military Commission had been convened and organized in said city for the trial of said petitioner, under the following charges and specifications, to wit: Charge 1st. Violation of the laws and cus-

oms of war. Specifications.-Cruelty and inhumanity to risoners of war, taken and held as such rom the armies of the United States, by the rebel government, or the military authority thereof, at Salisbury, in the State of North-Carolina, in a prison which was under the command and charge of John H. Gee, who was, or claimed to be, a Major in the rebel military service.

Charge 2nd, Murder in violation of the laws of war. Specifications, -The felonious killing of prisoners of war committed to his custody,

as aforesaid. The offences are alleged to have been committed during the late rebellion, to wit: in the months of October, November and De-

cember, 1864. The petition further sets forth the proclamation of His Excellency Andrew Johnson, President of the United States, and claims that by virtue of said proclamation of April-2d, 1866, he is entitled to be discharged from the custody of the military authorities of the United States Government, and prays that the writ of haleas corpus be issued, &c., so that the cause of his capture and detention may be inquired into, &c.

On the 18th inst., the writ was issued, returnable on the 14th, at which time Brevet Major General Ruger made return that the said John H. Gee was detained by him "as a prisoner under the authority of the President of the United States." The body of the petitioner not being pro-

duced, his counsel moved for an attachment to issue against Brevet Major General Ruger, on account of his non compliance with the mandate of the writ, and the insufficiency of his return thereto. The Court adjourned the consideration of the motion to the 28th inst., to-day.

So far as the present inquiry is concerned. the guilt or innocence of the petitioner is not at issue. The question is, in regard to the sufficiency of the return made to the writ by Gen, Ruger, and that depends upon whether: 1st. The military commission has juris-

2d. Have the civil courts the right to issue the writ of habeas corpus. Military Courts have been sanctioned, during time of war, upon the ground that the order, discipline and safety of an army in the field rendered such jurisdiction absolutely necessary. Thus, during the war with Mexico, military commissions were convened and organized under the command of Gen. Scott, They were never regarded as Courts established under the authority of the Constitution of the United States, but as mere agents of the military authorities, and sub-

ject at all times to the control of the commanding officer The question which we have to consider, is not whether, during time of war, the creation of such commissions is a legitimate exercise of military power, but, whether, after the restoration of peace, and the Proclamation of the President of the United States. declaring that the insurrection, so far as North-Carolina is concerned, is at an end and is henceforth to be so regarded, a tribunal thus organized can continue in the exercise of a jurisdiction, assumed during time of

It will not do to say, that if the military commission was organized during the existence of the rebellion, that the jurisdiction having attached, the proclamation does not operate to suspend a trial already commenced; for, it is well settled by the decisions of the Supreme Court of the United States, that if a law be repealed upon which the jurisdiction depends, before judgment, the Court ted that that journal will set Mr. Dick can go no further with the case, 5. Cranch, 281, 6. Ibid, 203-329—but it must be shown that it is a jurisdiction, which can be exercised, not only during time of war, upon which question the Court does not wish to be considered as expressing an opinion, as it is not necessary for the decision of this case, out also in time of peace.

Whence is any such jurisdiction derived? Not from the common law, for, in 1st. Blackstone's Com., page 413, it is said, that martial law, which is built upon no settled principles, but is entirely arbitrary in its deisions, is, as Sir Mathew Hale observes, in truth and reality no law, but something indulged, rather than allowed, as a law. The necessity of order and discipline in an army is the only thing which can give it countcnance, and therefore it ought not to be per-Courts are open for all persons to receive justice according to the laws of the land other that hath commission of martial authority, doth in time of peace hang or otherwise execute a man by color of martial law, this is murder, for it is against Magna

Charta." The President has declared, in his proclamation, that in North-Carolina "the laws can be sustained and enforced by the proper civil authorities, State and Federal." other words, "the Courts are open for all following important dispatch from the persons to receive justice according to the laws of the land," and this of itself constitutes in judgment of law a time of peace, as

will be hereafter shown in the Earl of Lancaster's case. A considerable portion of the history of to interfere with military Commissions at the exercise of such powers as are claimed that time, or previously, organized, or trials for the purpose of sustaining military combefore such Commissions, un- missions. Magna Charta was the result of less by special instructions the accused were the first great victory over military domination, but the struggle terminated not until Gen. Ruger has been instructed to proceed it was entirely settled that military commiswith the trial to which you refer, but before sions for the trial of civilians for any offence

Sir Mathew Hale, in his history of the common law, says at page 34: "Touching the business of martial law these things are

First. That in truth and reality, &c. (As Secondly. This indulged law was only to extend to members of the army, or to those of the opposed army, and never was so much indulged as intended to be executed or exercised upon others who were not listed under the army, had no color or reason to be bound by military constitutions applicable for general information, the law passed only to the army, whereof they were not by the late Legislature in relation to the parts; but they were to be ordered and governed according to the laws to which they have taken, is fully sustained by His Honor,

Thirdly. That the exercise of martial law, whereby any person shall lose his life or member, or liberty, may not be permitted in

ward 3rd., it was declared.

and held to answer.

nis legal trial per pares.

nosite could not have been used.

without due process of law.

jurisdiction is now gone.

have been committed."

the following:

in the military or naval service, is very dif-

ferent, as we have shown, from a military

bail, where the offence is bailable, and he is

still entitled under article 6 of the amend-

ments to the Constitution "to a speedy and

public trial by an impartial jury of the

State and district wherein the crime shall

During the existence of the rebellion, the

presiding officer of this Court introduced

sed criminal offences, &c., &c.

ment of law.

Martial law, such as is described by Hale, and such also as it is marked by Mr. Justice Blackstone, does not exist at all in England."

In the Earl of Lancaster's case, upon petition of error in the first Paliament of Ed-1st. That in time of peace, no man ought to be adjudicated to death for treason, or

2nd. That regularly when the King's Courts are open it is a time of peace in judg-3rd. That no man ought to be sentenced o death by the record of the King, without

Neither is any such authority bestowed by the constitution of the United States, but. on the contrary, if it had been the intention

The Court therefore concludes, that there of the framers of that instrument to negative any such construction, words more apis no jurisdiction conferred upon military commissions to try civilians in time of peace, Art. 5th. of the amendments to the Constitution declares, that, "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land of naval forces, or in the militia in actual service in time of war or public danger, nor shall any person * * * * be deprived of life, liberty, or property, It is not contended that the petitioner was ever in either the land or naval service of the United States. If he was in either service, then a court-martial would have had jurisdiction, but this court, recognized and limi ted by the Constitution to the trial of those

commission, which assumes to try civilians, lowed, except in eases of actual necessity for But it is said, that the jurisdiction was repelling invasion or suppressing insurrecconferred under the act of Congress, ratified tion or rebellion." March 3d, 1863, and the proclamations of the President, declaring that the privilege of the writ of habeas corpus was suspended. If this were so, still, as the suspension of the privileges of the writ of habeas corpus was to continue "throughout the duration of the present rebellion," see proclamation 15th Sepember 1863, as the rebellion "is at an end and is henceforth to be so regarded," such But did any such jurisdiction accrue? The only right of which the suspension of the privilege of the writ of habeas corpus deprives a citizen, is that of being admitted to

The only question remaining for our consideration is, as to the jurisdiction of the civil Courts, and their right to issue the writ of habeas corpus in order that the capture and detention of the petitioner may be inquired

into the House of Commons of the General Assembly of North-Carolina, of which body and the rebellion, so far as North Carolina is he was a member, a series of resolutions reconcerned, "is at an end and henceforth to be lating to the suspension of the privilege of so regarded, "it follows that the Court can the writ of habeas corpus, among which were issue the writ, provided it has jurisdic-Resolved, That the privilege of the writ of The fact that the petitioner is held by a habeas corpus extends no further than secu-

mitted to bail, and that the clause in the Court has jurisdiction in such cases. Confederate Constitution (which was identi-The petitioner is not arrested and held for cal in language with that contained in the trial merely as a prisoner of war, and because Constitution of the United States,) which of his participation in the rebellion, but it is authorises the suspension of the privilege of | tharged that he has violated the laws and cus-

who may stand committed for criminal or Resolved, That the provision in the Con- ways been regarded as a part of the common stitution that "no person shall be deprived law, 4, Black. Com. 67, and offences against of life, liberty or property without due pro- the same, which are not directly connected cess of law" was meant to deny to the Con- with the order, discipline and safety of an federate government all power to make any arrests except upon warrant from a civil tritribunals. The charges against the petitioner bunal, and that any arrests otherwise made are not of the latter character. or authorised by Congress or trials except by due course of law, "except in cases aris-

ing in the land or naval forces, or in the militia in time of war or public danger," are unconstitutional and subversive of every principle of civil liberty, and that North-Carolina could not see a violation of this fun- false imprisonment, and the cruelty and indamental and reserved right, in regard to her humanity is considered in determining the citizens, without the deepest concern. Resolved, That Congress has no constitutional power to impair the right to a speedy and public trial, by an impartial jury of the for murder, and upon conviction will suffer State and district, wherein the crime shall death. have been committed, by authorising arrests The jurisdiction, therefore, of the Superior

war or public danger." These resolutions were believed to state | Court is satisfied that such was the intention correctly the principles of the Constitution, and their whole tenor is adverse to the idea, that the suspension confers any jurisdiction upon military commissions. adopted by a large majority, and ratified on the 6th of February, 1865.

This subject received my undivided atten-

fore the regularly established constitutional

arising in the land and naval forces, or in

tion at that time, and subsequent reflection has but strengthened the views then ex-The fourth section of the act of March 3d, declares, "That any order of the President or under his authority made at any time during the existence of the present rebellion shall be a defence in all courts to any action or prosecution, civil or criminal, pending or | declare that the insurrection is at an end, but to be commenced for any search, seizure, ar- that these Courts of military Commission

and by virtue of such order," &c.

any jurisdiction upon military commissions, but is only intended to make the President's order a defence to any action or prosecution for " search, seizure, arrest or imprisonment." Whether it is constitutional, even to this extent, is not now the question, but it does not confer upon the President the right to try a civilian by military commission assum ing to have power to pass upon life and death, but the implication is strong, that the order

of the President shall not be a defence, if

This section does not pretend to confer

nore than imprisonment is attempted. The proclamation of September 15th, 1863, reciting that act, suspends the privilege of the writ of habeas corpus throughout the United States, in certain cases, but does not attempt to confer any jurisdiction upon military commissions, except such as are conferred by the rules and articles of war, and the rules and regulations prescribed for the

military or naval forces. In this respect this proclamation differs very materially and may be regarded as a modification of the proclamation of Sept. 24th, 1862, which purported to suspend the privilege of the writ of habeas corpus, and to martial and military commissions, without the sanction of any act of Congress. As it is now conceded that the privilege of

the writ af habeas corpus can only be suspended by an act of Congress, and as Congress | this 28th April, 1866. never conferred the power to suspend upon the President, until the 3d of March, 1863, it follows that the proclamation of Sept. 24th, 1862, was unauthorized, and that this is the view taken by the military authorities, we are led to believe, from the return of Major General Ruger, who asserts his right to hold John H. Gee as a prisoner under the authority of the President of the United States, and makes return as in such cases required by General Order No. 313, War Department, Adjutant General's Office, Washington, Sept. 1863, the proclamation of the 15th day of S pt. 1813, and the act of Congress of March 3rd, 1863, but omits any reference to the proclamation of Sept. 24th, 1862. The general view of this subject, which we

Judge Trigg, of the Circuit and District Court of the United States, for Tennessee, at its recent term in Memphis, in the case of member, or liberty, may not be permitted in time of peace."

Herron vs. General Runkle, Superintendent of the Freedmen's Bureau, in which it was declared, that the Bureau Courts can appear to the case of the Freedmen's Bureau. as they are entirely of a military character,

vs. Sir Chas, Gould, 2. H. Black. 69, says: cise no legitimate authority in time of peace, In the opinion of the Court, it is said, that "The recent proclamation of the President of the United States, declaring that an insurrection no longer exists, is a declaration of peace, which sweeps from among us every thing which savors of military constraint upon the rights of citizens, and restores to any other offence, without being arraigned

them the ordinary and peaceful channels for the assertion and enforcement of these rights. Assuming, then, that the Courts in question were in their inception legitimately and properly established, and that the jurisdiction exercised by them, during the existence of the war, was also legitimate and proper, it does not follow that they have a right now the war is ended, to make and summarily to enforce orders as they did while a state of war existed.

either by the common law, the Constitution of the United States, act of Congress or any proclamation of the President after the power of suspending the privilege of the writ of habeas corpus was conferred upon him, but that such jurisdiction is in direct contravention of the proclamation of April 2d, 1866 which declared, in accordance with the principles of Magna Charta, and the Constitution of the United States, that, "standing armies. military occupation, martial law, military tribunals and the suspension of the privileges of the writ of habeas corpus, are in times of peace dangerous to public liberty, incompatble with the individual rights of the citizen, contrary to the genius of our free institutions and exhaustive of the national resources, and ought not, therefore, to be sanctioned or al-

The war being ended, that is an end to the Court, and there being no longer any such Court, the officer of the Bureau has no longer authority to act in that capacity, and to enforce judgments or orders, whether made before or since the declaration of peace. If he does so, and under that pretext seizes the property of a citizen, he will become a tresspasser, and may be held liable to damages to the party injured. * * * If in this case the judgment was rendered and not enforced before the war ended, then it cannot be now enforced, for the authority by which it was rendered has ceased with the war, and no longer exists." * * *

As the privileges of the writ were only suspended during the existance of the rebellion,

Federal officer, and the writ has been sued ring to the party under arrest the right to be out from a State Court, is not important, incarried before a civil tribunal to have inquiasmuch as it has been decided in North red into his claim to be discharged or ad- Carolina, in Bryan's case, 9 Jones 1, that the

the writ, applies only to cases of persons toms of war. The laws and customs of war are a part of army in the field, are punishable by the civil

Whenever a party is the recognised legal custodian of another, and is guilty of crucity or inhumanity towards him, the law will hold him amenable, and he is subject to indictment in our civil courts. If he is not the legal custodian, then he is indictable for a punishment to be awarded. If death has ensued from cruelty and inhumanity under such circumstances, the party is indictable

otherwise than under warrants returnable be- Courts of Law, is clear. It has been suggested that the President ribunals of the country, "except in cases | did not intend by his proclamation to interfere with Military Commissions, at that time the militia when in actual service, in time of or previously organized, or trials then pending before such Commissions, and that if the of the President, it would not interfere by means of its writ The Constitution declares that "the privilage of the writ of habeas car-They were pus shall not be suspended unless when in cases of rebellion or invasion the public safe ty may require it," and the act of March 3rd, 1863, anthorizes the President only to suspend the privilege of the writ during the existence of the rebellion. It therefore follows that as soon as the rebellion is declared to be at an end, that it is the duty of the Court to declare that, in judgment of law, the privilege of the writ was restored. The fact being declared, the result inevitably follows. and there is no power in the President to rest or imprisonment, made, done, or committed, or acts omitted to be done, under jurisdiction as if the insurrection were still jurisdiction as if the insurrection were still waging. If he could continue the suspension beyond the constitutional limitation,

he might continue it indefinitely. It is considered by the Court, that the return to the writ is insufficient, and it is Ordered. That an attachment in this cause issue against Brevet Major-General Thos. II. Ruger, but that the same be accompanied with a copy of this rule, which is to operate as instructions to the Sheriff not to serve the same, if Brevet Major-General Thos. H. Ruger shall forthwith, upon service of a copy of this rule upon him, cause the said John H. Gee to be brought before me, in obedience to the writ of habeas corpus, heretofore issued in this cause.

DAN'L. G. FOWLE, J. S. C. April 28th, 1866. The following is a copy of the writ direct ted to the Sheriff: STATE OF NORTH-CAROLINA,

WAKE COUNTY.

To the Sheriff of Wake County, Greeting You are hereby commanded to take the body of Brevet Major General Thomas II. Ruger, and him safely keep so that you have privilege of the writ of habeas corpus, and to confer authority, in certain cases, upon courts mainprise, at the Court House in Raleigh. Herein fail not, and have you there and then this writ

> Witness, Daniel G. Fowle, Judge Superior Court of Law, at Court House in Raleigh (Signed) DANL, G. FOWLE, J. S. C.

Which the Sheriff subsequently returned with the following endorsement: Executed the rule by serving copy upor Major General Ruger.

The General declined producing the body and refused to submit to an arrest, and I was unable to make the same, because he

was in command of a military force too strong to be overcome by the power of the county. E. H. RAY, Sheriff. (Signed) April 28th, 1866. Whereupon the Counsel of Maj. Gee sub-

mitted a request that the Clerk be directed to certify and transmit all the proceedings in the case to his Excellency, the Governor, for